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10/550,510	09/23/2005	Norifumi Kikkawa	09812.0142	3015

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EXAMINER
CHAO, MICHAEL W

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 June 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☒ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

1   **DETAILED ACTION**

2   Claims 20, 21, 22, have been interpreted to depend on claim 19.

3   Claim 24 has been interpreted to depend on claim 23.

4   Claims 26-28 have been interpreted to depend on claim 25.

5   Claim 30 has been interpreted to depend on claim 29.

6

7   *Claim Rejections - 35 USC § 101*

8   35 U.S.C. 101 reads as follows:

9   Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
10   matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
11   conditions and requirements of this title.
12
13   Claims 26, 31, 32, are rejected under 35 U.S.C. 101 because the claimed invention is

14   directed to non-statutory subject matter.

15   Claim 26 recites a system, however the claim upon which it depends is a method

16   claim.

17   Claims 31 and 32 are directed toward software, which is none of a process,

18   machine, manufacture, nor composition of matter.

19

20   *Claim Rejections - 35 USC § 112*

21   The following is a quotation of the second paragraph of 35 U.S.C. 112:

22   The specification shall conclude with one or more claims particularly pointing out and distinctly
23   claiming the subject matter which the applicant regards as his invention.
24

1   Claims 20-22, 24, 26-28 and 30 are rejected under 35 U.S.C. 112, second

2   paragraph, as being indefinite for failing to particularly point out and distinctly claim the

3   subject matter which applicant regards as the invention.

4   These claims depend on prior cancelled claims.

5

6

7   ***Claim Rejections - 35 USC § 102***

8
9   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

10 form the basis for the rejections under this section made in this Office action:

11   A person shall be entitled to a patent unless –

12   (b) the invention was patented or described in a printed publication in this or a foreign country or in public
13   use or on sale in this country, more than one year prior to the date of application for patent in the United
14   States.
15
16

17   Claims 19, 21-25, 27-32 rejected under 35 U.S.C. 102(b) as being anticipated by

18 Yamada (US 6,370,316).

19

20   With respect to claim 19, 25, 31, Yamada teaches:

21   An information processing apparatus for executing content transmission,

22 comprising:

23   a storage unit which stores content and property information as content-attribute

24 information; ("A data storing section 113 consists of the video data storing section 101

25 and the index storing section 103" Yamada column 7 line 10)

1   a data transmitting/receiving unit which executes data transmission and reception

2   with a client as a content-information requesting device; and ("FIG. 8 shows a

3   server/client type moving picture retrieving system" Yamada column 10 line 55)

4   a content-information generating unit which generates content information in

5   which data editing information allowable for each piece of the property information is

6   defined for each property, and which transmits the content information; and ("it is

7   checked whether the user intends to produce an index. . . . the user performs the

8   retrieving operation by using the presently available indices" Yamada column 7 line 35)

9   a content extracting unit which, in response to a content request from the client,

10 executes acquiring requested content from the storage unit, wherein: ("it becomes

11 possible to perform the playback operation by connecting only necessary scenes of

12 video data by editing the indices array the necessary scenes." Yamada column 11 line

13 20)

14   the property information includes index information as partial-content-region

15 identification information; and ("the scene producing section 102 produces a file

16 summarizing the obtained data, i.e., start/end times of each scene, scene number, file

17 name of a representative frame of scene, and video file name of each scene. . . .(i.e.

18 index file 122)" Yamada column 7 line 62)

19   the content extracting unit is configured to execute acquiring partial content data

20 specified by the index information on the condition that the content request from the

21 client includes partial playback specification, and to execute transmitting the partial

22 content data to the client. ("it becomes possible to perform the playback operation by

1   connecting only necessary scenes of video data by editing the indices array the

2   necessary scenes." Yamada column 11 line 20).

3

4   Regarding claims 21, 27, Yamada teaches: wherein the content-information

5   generating unit is configured to execute acquiring index information from property

6   information corresponding to the requested content on the condition that the content

7   request from the client includes the partial playback specification, and transmitting the

8   acquired index information. ("For example, the user may select the index titled "I year-

9   old Birthday (auto-produced)" which is automatically produced based on a 20-minute

10   video data. In this case, all the scenes of the 20-minute video data are played . . . .

11   When the user selects the index titled "1 year-old Birthday (abstract)" which is an

12   abstract collecting the important scenes, only the selected important portions are played

13   back" Yamada column 10 lines 28-40).

14   Regarding claims 22, 28, Yamada teaches: wherein the data editing information

15   includes information which sets permission of at least one of rewriting, addition, and

16   deletion of the property information. ("The user's instruction includes the change of

17   scene number, division of scene, joint of scenes, deletion of scene, and change of the

18   representative frame of scene." Yamada column 6 line 60)

19   With respect to claims 23, 29, 32, Yamada teaches: An information processing

20   apparatus for performing acquiring content, comprising:

21   a data transmitting/receiving unit which executes data transmission and reception

22   with a server retaining the content; (See Yamada figure 8 items 803)

1   a content requesting unit which generates, as content request data to the server,

2   content request data including partial content playback information; ("it is checked

3   whether the user intends to produce an index. . . . the user performs the retrieving

4   operation by using the presently available indices" Yamada column 7 line 35)

5   a content playback control unit which executes controlling playback of partial

6   content received from the server through the data transmitting/receiving unit; ("it is also

7   possible to select an index titled "sports even result" to selectively watch the news of a

8   specific theme." Yamada column 11 line 10)

9   a content-information analyzing unit which executes analyzing property

10 information corresponding to the content received from the server and generating

11 display information; and

12   a display unit which displays the display information generated by the content-

13 information analyzing unit,

14   wherein the content-information analyzing unit is configured to execute

15 generating display information in which the data editing information is recognizable for

16 each piece of property information as a component of the content information received

17 from the server. ("In step 204, the scene producing section 102 produces a file

18 summarizing the obtained data, i.e., start/end times of each scene, scene number, file

19 name . . ." Yamada column 7 line 64)

20   Regarding claims 24, 30, Yamada teaches: wherein the content-information

21 analyzing unit is configured to execute generating, based on index information included

22 in the content information received from the server, display information in which an

1   index region of the content is recognizable, and to output the display information on the

2   display unit. ("In step 204, the scene producing section 102 produces a file summarizing

3   the obtained data, i.e., start/end times of each scene, scene number, file name of a

4   representative frame of scene, and video file name of each scene." Yamada column 7

5   line 64)

6

7   *Claim Rejections - 35 USC § 103*

8   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

9   obviousness rejections set forth in this Office action:

10   (a) A patent may not be obtained though the invention is not identically disclosed or described as set
11   forth in section 102 of this title, if the differences between the subject matter sought to be patented and
12   the prior art are such that the subject matter as a whole would have been obvious at the time the
13   invention was made to a person having ordinary skill in the art to which said subject matter pertains.
14   Patentability shall not be negatived by the manner in which the invention was made.
15
16   Claims 20, 26, rejected under 35 U.S.C. 103(a) as being unpatentable over

17   Yamada.

18   Regarding claims 20, 26, Yamada teaches: wherein: the index information

19   includes:

20   index-start-position information representing, as start-position information of the

21   partial content data, information of a time or a data amount from the start of the content;

22   and

23   index-region information, as region information of the partial content data; and

24   ("i.e., start/end times of each scene. . . .(i.e. index file 122)" Yamada column 7 line 62)

25   the content extracting unit is configured to execute acquiring partial content data

26   specified by the index-start-position information and the index-region information. ("it

1   becomes possible to perform the playback operation by connecting only necessary

2   scenes of video data by editing the indices array the necessary scenes." Yamada

3   column 11 line 20).

4   Yamada does not explicitly disclose that the index-region information is

5   "representing a time or data amount from the index-start position"; however start and

6   stop times are essentially identical where if you have a start and stop time you can

7   compute the time between the start and stop time. It is therefore an obvious alternative

8   to use the segment length rather than the start and stop times to denote the index-

9   region.

10

11   *Conclusion*

12   The prior art made of record and not relied upon is considered pertinent to

13   applicant's disclosure.

14   Reimer et al. (US 5,553,221) discloses a video summarization and indexing

15   system.

16   Boetje et al. (US 6,038,368) discloses a video summarization system utilizing

17   vcrs.

18   Yoshio et al. (US 6,310,625) discloses standard video editing software.

19   Uehara et al. (US 2002/0056095) discloses video segment selection.

20   Amir et al. (US 6,760,536) discloses rate modified video.

21   Bhagavath et al. (US 6,829,781) discloses a video summarization and indexing

22   system.

1   Any inquiry concerning this communication or earlier communications from the

2   examiner should be directed to Michael Chao whose telephone number is (571)270-

3   5657. The examiner can normally be reached on 8-4 Monday through Thursday.

4   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

5   supervisor, Jeffrey Pwu can be reached on (571)272-6798. The fax phone number for

6   the organization where this application or proceeding is assigned is 571-273-8300.

7   Information regarding the status of an application may be obtained from the

8   Patent Application Information Retrieval (PAIR) system. Status information for

9   published applications may be obtained from either Private PAIR or Public PAIR.

10 Status information for unpublished applications is available through Private PAIR only.

11 For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

12 you have questions on access to the Private PAIR system, contact the Electronic

13 Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

14 USPTO Customer Service Representative or access to the automated information

15 system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

16
    /M. C./
    Examiner, Art Unit 2442

    /Jeffrey Pwu/
    Supervisory Patent Examiner, Art Unit 2446
17
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